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6 UNITED STATES DISTRICT COURT
7
8 NORTHERN DISTRICT OF CALIFORNIA
9
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,

Case No.: CR 11-0163 PSG

12 Plaintiff,

**STIPULATION TO CONTINUE
HEARING AND EXCLUDE TIME;
[PROPOSED] ORDER**

13 v.

14 RONALD EGBERT,

Honorable Paul S. Grewal

15 Defendant.
_____ /

16 Defendant Ronald Egbert and the government, through their respective counsel, hereby
17 stipulate that, subject to the Court's approval, the hearing in the above-captioned matter, presently
18 scheduled for Friday, December 2, 2011 at 2:30 p.m., be continued to Friday, January 27, 2012, at
19 2:30 p.m. Investigation by the defense into Mr. Egbert's current and prior medical and psychiatric
20 issues is ongoing. Mr. Egbert hopes to complete a recommended medical evaluation in December,
21 which has been authorized by his treating clinicians. Additionally, undersigned defense counsel will
22 be going on a leave of absence from work, and new counsel within the Federal Public Defender's
23 Office will be handling this case.

24 The parties further agree that time should be excluded under the Speedy Trial Act for
25 continuity of defense counsel, and because the ends of justice served by granting the requested
26

1 continuance outweigh the interest of the public and the defendant in a speedy trial. The failure to
 2 grant the requested continuance would deny defense counsel reasonable time necessary for effective
 3 preparation, taking into account the exercise of due diligence, and would result in a miscarriage of
 4 justice. The parties therefore stipulate that this exclusion of time should be made under 18 U.S.C. §§
 5 3161(h)(7)(A) and (B)(iv).

6 Dated: 11/22/11

/s/
 LARA S. VINNARD
 Assistant Federal Public Defender

8 Dated: 11/22/11

/s/
 JEFF SCHENK
 Assistant U.S. Attorney

11 **~~[PROPOSED]~~ ORDER**

12 The parties have jointly requested a continuance of the hearing set for Friday, December 2,
 13 2011 at 2:30, to allow additional time for defense preparation and investigation, and for continuity of
 14 defense counsel. GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date
 15 presently set for December 2, 2011, be continued to Friday, January 27, 2012, at 2:30 p.m.

16 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded
 17 under the Speedy Trial Act from December 2, 2011, to January 27, 2012. The Court finds, based on
 18 the aforementioned reasons, that the ends of justice served by granting the requested continuance
 19 outweigh the interest of the public and the defendant in a speedy trial. The failure to grant the
 20 requested continuance would deny defense counsel reasonable time necessary for effective
 21 preparation, taking into account the exercise of due diligence, and would result in a miscarriage of
 22 justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C.
 23 §§ 3161(h)(7)(A) and (B)(iv).

24 Dated:


 PAUL S. GREWAL
 United States Magistrate Judge